

Attorney Docket: 00052  
09/884,131 Art Unit: 2623 Examiner: J. R. Sheleheda  
Response to September 28, 2007 Office Action

### **REMARKS**

In response to the Office Action mailed September 28, 2007, the Assignee respectfully requests entry of the above amendments and the following remarks. The Assignee respectfully submits that pending claims distinguish over the cited documents of record.

Claims 1-6 and 8-18 are pending in this application. Claims 30-43 were previously withdrawn by restriction. Claims 7, 19-29, and 44-48 have been canceled without prejudice or disclaimer.

### **Rejections of Claims under § 103 (a)**

Claims 1-7, 9-13, and 15-18 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over U.S. Patent 5,499,046 to Schiller, *et al.* in view of U.S. Patent Application Publication 2002/0141491 to Corts, *et al.*

Claim 7 has been canceled, so the rejection of this claim is moot.

Claims 1-6, 9-13, and 15-18, however, are not obvious over *Schiller* and *Corts*. These claims recite, or incorporate, many features that are not taught or suggested by *Schiller* and *Corts*. Independent claim 1, for example, recites "*receiving locally produced content from a local producer, the local producer located on and operating inside a specific geographic terrain*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraph [0020]. Independent claim 1 also recites "*integrating, into the locally produced content, advertising that is related to the specific geographic terrain.*" Support for such features may be found at least in the as-filed application at paragraph [0038]. Independent claim 1 also recites "*earning revenue from the integrated advertising to recoup costs to produce the locally produced content.*" Support for such features may be found at least in the as-filed application at paragraph [0038]. Independent claim 1 also recites "*indirectly paying a producer for airing locally produced content and the integrated advertising.*" Support for such features

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may be found at least in the as-filed application at paragraph [0038]. Independent claim 1 also recites "*supplementing the locally produced content with additional content related to the specific geographic terrain.*" Support for such features may be found at least in the as-filed application at paragraph [0032]. Independent claim 1 is reproduced below, and independent claim 11 recites similar features.

1. A system for delivering media content comprising:

means for receiving locally produced content from a local producer, the local producer located on and operating inside a specific geographic terrain to produce media content related to the geographic terrain, the geographic terrain having a distinguishable physical feature;

means for integrating, into the locally produced content, advertising that is related to the specific geographic terrain;

means for earning revenue from the integrated advertising to recoup costs to produce the locally produced content;

means for indirectly paying a producer for airing locally produced content and the integrated advertising;

means for supplementing the locally produced content with additional content related to the specific geographic terrain;

means for aggregating the content and the additional content into a bundle of content, the bundle of content having a full schedule of programming, the content having diverse subject matter with all the content related to the geographic terrain;

means for distributing the bundle of content as a channel devoted to the specific geographic terrain;

means for providing the locally produced content at no charge for free;

means for providing free advertisement space in the bundle of content in exchange for the locally produced content;

means for allotting the free advertising space in the full schedule of programming to the local producer;

means for advertising products and services related to the specific type of geographic terrain on the channel; and

means for nationally distributing the channel to an audience within and outside of the specific type of geographic terrain, the audience having an interest in the geographic terrain.

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*Schiller* and *Corts* cannot obviate all these features. *Schiller* discloses a CATV distribution system with a plurality of headends outputting different programs to subscribers via a plurality of channels. *Corts* describes how providers may barter advertising time in exchange for content. Still, though, the combined teaching of *Schiller* and *Corts* fails to teach or suggest "receiving locally produced content from a local producer, the local producer located on and operating inside a specific geographic terrain" (emphasis added). The proposed combination of *Schiller* and *Corts* fails to teach or suggest "integrating, into the locally produced content, advertising that is related to the specific geographic terrain." The combined teaching of *Schiller* and *Corts* fails to teach or suggest "earning revenue from the integrated advertising to recoup costs to produce the locally produced content." The proposed combination of *Schiller* and *Corts* fails to teach or suggest "indirectly paying a producer for airing locally produced content and the integrated advertising." The proposed combination of *Schiller* and *Corts* fails to teach or suggest "supplementing the locally produced content with additional content related to the specific geographic terrain."

*Schiller* and *Corts*, then, cannot obviate claims 1-6, 9-13, and 15-18. Independent claims 1 and 11 recite many features that are not taught or suggested by *Schiller* and *Corts*. The dependent claims incorporate these features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-6, 9-13, and 15-18 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejections of Claims 8 & 14 under § 103 (a)**

Claims 8 and 14 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Schiller* and *Corts* in view of U.S. Patent No. 6,286,139 to Decinque. Claims 8 and 14, however, depend from independent claims 1 and 11 and, thus, incorporate the same features. As the above paragraphs explained, the proposed combination of *Schiller* and *Corts* is silent to many of the features recited by independent claims 1 and 11, and *Decinque* does not cure these deficiencies. *Decinque* merely discloses a system for ordering video content using the Internet. See U.S. Patent 6,286,139 to Decinque (September 4, 2001) at column 1, lines 55-65. The

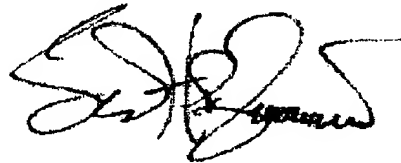
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combined teaching of *Schiller*, *Corts*, and *Decinque* still fails to teach or suggest all the features of independent claims 1 and 11. Because *Schiller*, *Corts*, and *Decinque* are silent to so many of the features recited by independent claims 1 and 11, one of ordinary skill in the art would not think that dependent claims 8 and 14 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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Of course, if the Examiner determines that anything further is desirable to place this application in even better form for allowance, the Examiner is invited to contact the Assignee's representative at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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